

REMARKS

In reply to the Office Action dated September 18, 2003, Applicants have amended portions of the Specification for clarification, cancelled claims 1-6 and 8, without prejudice or disclaimer of the subject matter thereof, and amended claim 7 to more appropriately define the invention. Finally, Applicants added new claims 9-16 to cover further aspects of the invention. No new matter has been added by these amendments or new claims. As a result of this amendment, claims 7 and 9-16 remain pending.

In the outstanding Office Action, the Examiner objected to the drawings for failure to comply with 37 C.F.R. 1.84(p)(4) and 1.84(p)(5). More specifically, the Examiner pointed out that item "19" discussed on page 8, line 15 of the Specification is not depicted on any drawing. In response, Applicants added numeral "19" to Fig. 2, as depicted on Annotated Sheet Showing Changes and Replacement Sheet containing Fig. 2.

In addition, the Examiner pointed out that numerals "11," "w8," and "x3" are depicted on the drawings, but not mentioned in the Specification. Applicants respectfully submit, that numeral "11" is discussed on p. 8, line 11 of the Specification. Applicants added numeral "11" to Fig. 2, as depicted on Annotated Sheet Showing Changes and Replacement Sheet containing Fig. 2. Further, Applicants amended portions of the Specification, adding "w8" and "x3", as indicated in the Amendments to the Specification section of this paper.

Further, the Examiner pointed out that reference character "1" in Figs. 1, 7, and 10 has been used to designate "user #1," "user #2," and "user #3." In response, Applicants have amended Figs. 1, 7, 10, and 13 designating users #1, #2, and #3 with numerals 1a, 1b, and 1c, respectively, as depicted on Annotated Sheet Showing Changes and Replacement Sheets containing Figs. 1, 7, 10, and 13.

Finally, the Examiner suggested that the reference "13" in Fig. 2 has been used to designate both the "CPU" and the "Controller." In response, Applicants used numeral "12" to designate the "CPU," as depicted on Annotated Sheet Showing Changes and Replacement Sheet containing Fig. 2.

As a result of these drawing and Specification amendments, Applicants submit, the drawings now fully comply with 37 C.F.R. 1.84(p)(4) and 1.84(p)(5).

Further, the Examiner rejected claims 1-8 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-2 and 7-8 were also rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,937,066 to *Gennaro et al.* Claims 3-5 were rejected under 35 U.S.C. §103(a) as unpatentable over *Gennaro* in view of U.S. Patent No. 5,276,737 to *Micali*.

Finally, the Examiner indicated that claim 6 would be allowable if rewritten to overcome the section 112, second paragraph rejection and to include all of the limitations of the base claim. Applicants appreciate the indication of allowable subject

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matter in this case. Applicants also respectfully submit that the allowable subject matter of claim 6 is incorporated in new claims 9-16.

Applicants respectfully submit, the section 112, second paragraph rejections of claims 1-6 and 8, the section 102(e) rejections of claims 1-2 and 8, as well as the section 103(a) rejections of claims 3-5 are now moot because Applicants have canceled these claims.

Section 112 Rejection

Applicants respectfully submit that present claim 7 is in full compliance with the requirements of the section 112, second paragraph requirements. More specifically, present claim 7 does not have "means for..." or "wherein" language alleged by the Examiner as being indefinite. Therefore, Applicants respectfully submit, the section 112, second paragraph rejection of claim 7 must be withdrawn.

Section 102(e) Rejection

To properly anticipate claim 7 under 35 U.S.C. §102(e), *Gennaro*, must disclose each and every element recited in these claims. M.P.E.P. § 2131.01 (8th ed. 2001, revised February 2003). However, *Gennaro* fails to disclose each and every element of present claim 7 so the section 102(e) rejection should be withdrawn.

Gennaro discloses "a cryptographic key recovery system." *Gennaro*, Abstract. In *Gennaro*, "the information encrypted under the public keys of the key recovery agents, ... is comprised of a set of randomly generated keys." *Gennaro*, col. 4, lines 66-

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68, col. 5, lines 1-10. "These keys are independent of and are unrelated to the keys intended to be protected and recovered using the key recovery protocol." *Gennaro*, id.

Present claim 7 recites, among other things, an "an approver apparatus for approving a party who requests a registration approval for the key recovery agent and giving an authorized party who requests an approval for decrypting encrypted recovery information the approval for decrypting the encrypted recovery information" and a "key recovery agent for decrypting and sending the encrypted recovery information only when a decryption request is made by a party approved by an approver."

In contrast, in *Gennaro*, a user or company can only recover recovery information upon providing the "correct authentication information to the Recovery Service 146, who in turn provides the authentication information to each recovery agent." Nowhere does *Gennaro* teach at least an approver or an "approver apparatus for approving a party who requests a registration approval for the key recovery agent," as recited in present claim 7.

For at least these reasons, *Gennaro* fails to teach each and every element recited in present claim 7. Therefore, Applicants respectfully request the reconsideration and withdrawal of the section 102(e) rejection of claim 7.

Finally, Applicants respectfully point out that *Micali* cited by the Examiner in the outstanding Office Action, does not anticipate nor render the present invention obvious. *Micali* discloses a method, using a public-key cryptosystem, for enabling a predetermined entity to monitor communications of users. *Micali*, Abstract. Nowhere

does *Micali* teach at least an approver or an approver apparatus recited in present claims 7 and 9-16.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: February 18, 2004

By: Richard V. Burgujian Reg 24,014
for Reg. No. 31,744

Attachments: Drawing Replacement Sheets for Figures 1-3, 7, 10-13, four (4) sheets and Drawing Annotated Sheets Showing Changes for Figures 1-3, 7, 10-13, four (4) pages.

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ANNOTATED SHEET SHOWING CHANGES

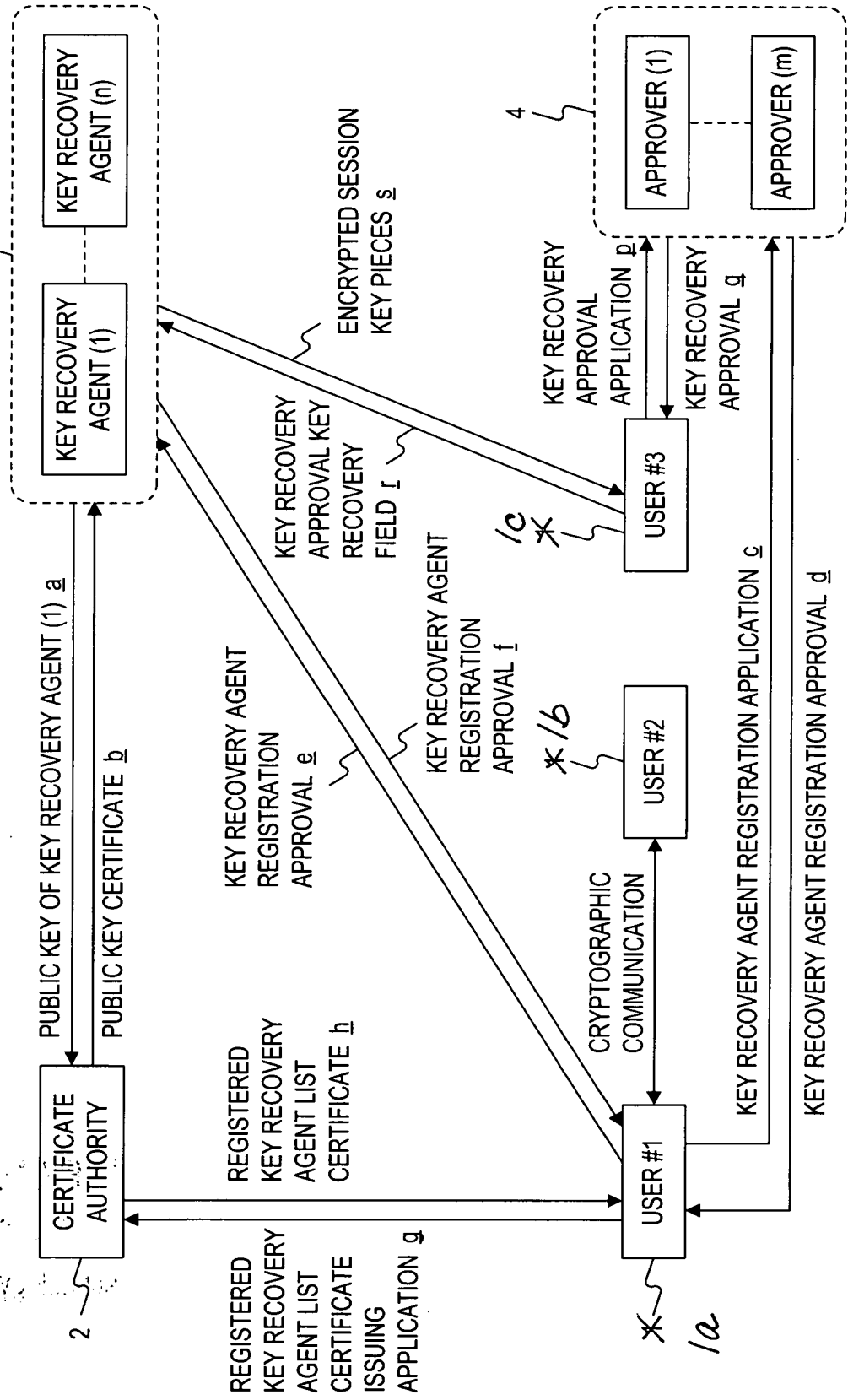


FIG. 1

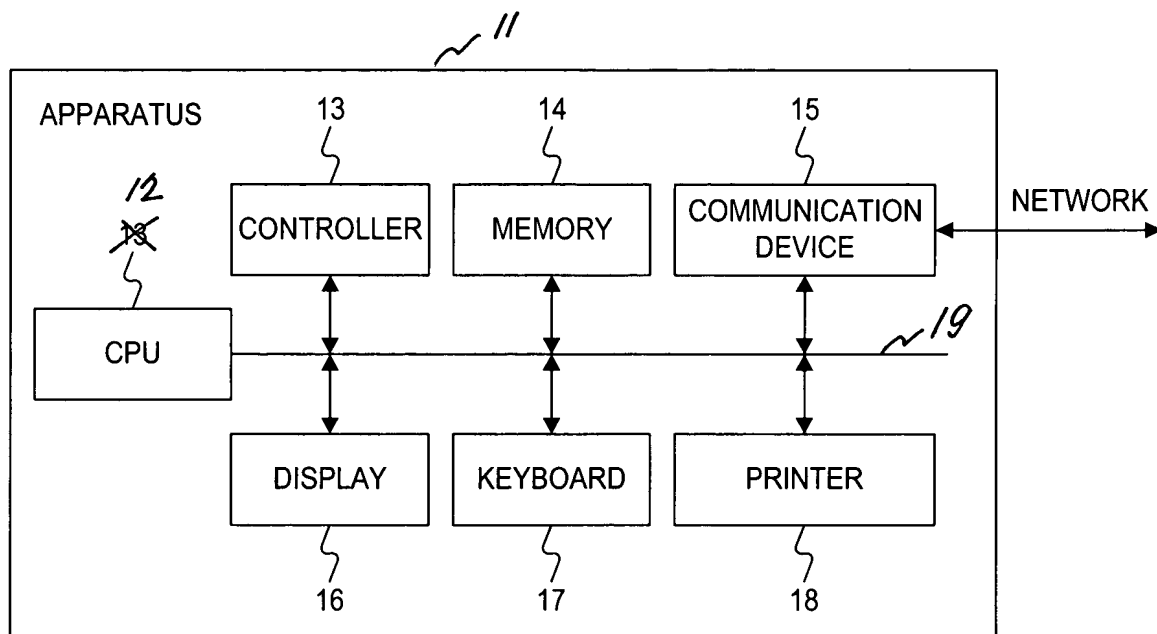


FIG. 2

PROCEDURE FOR REGISTERING
KEY RECOVERY AGENT IN
CERTIFICATE AUTHORITY

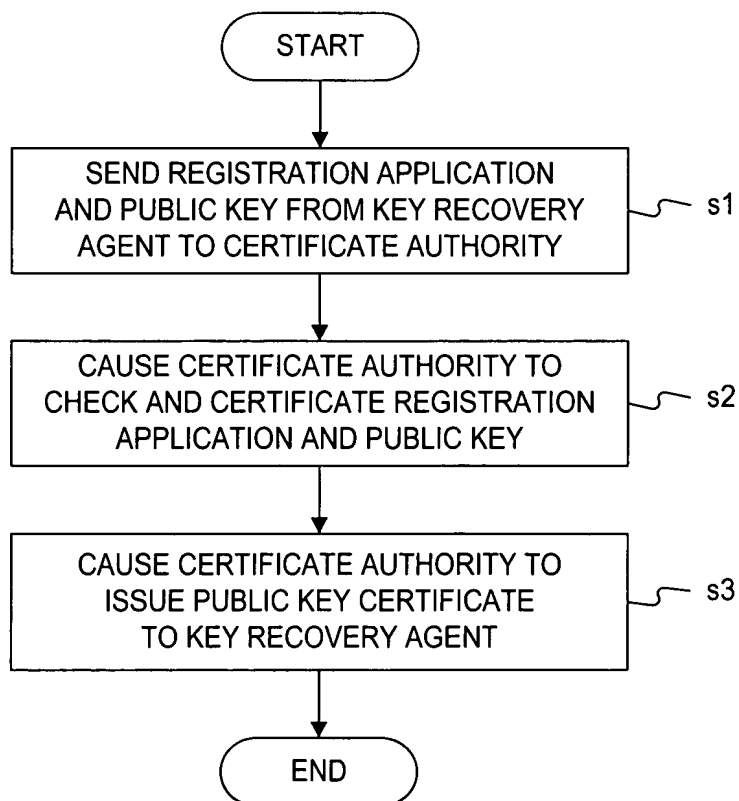


FIG. 3

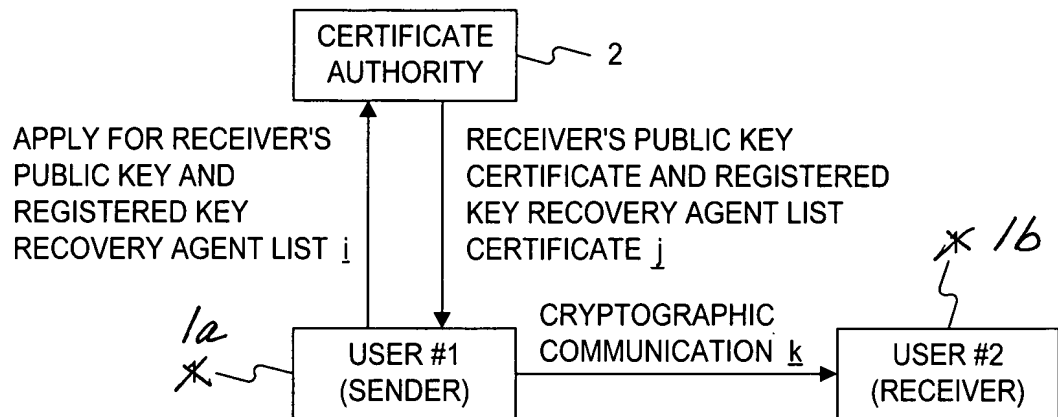


FIG. 7

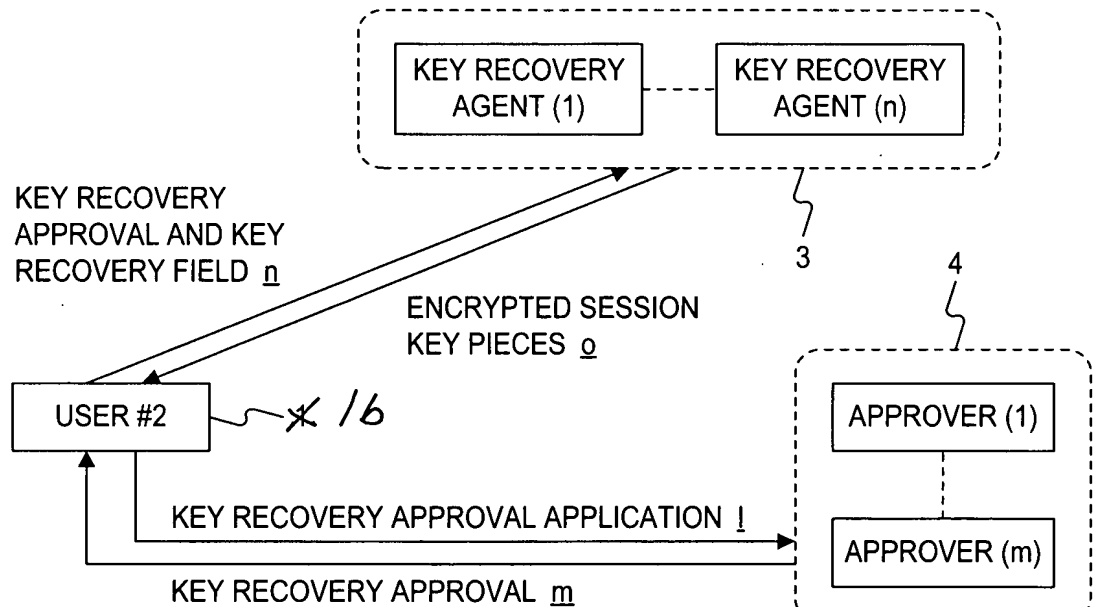


FIG. 10

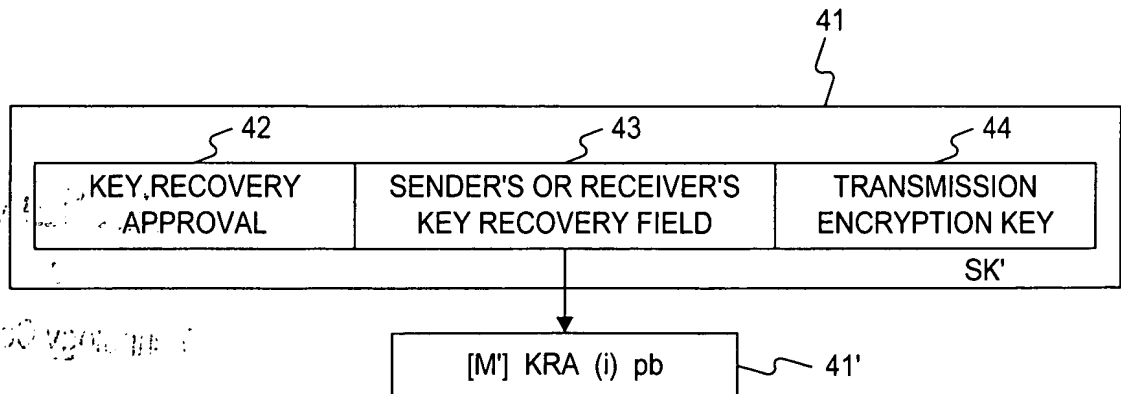
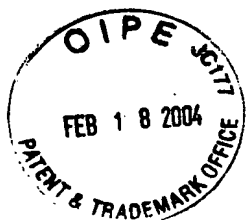


FIG. 11



PROCEDURE FOR RECOVERING KEY BY THIRD PARTY

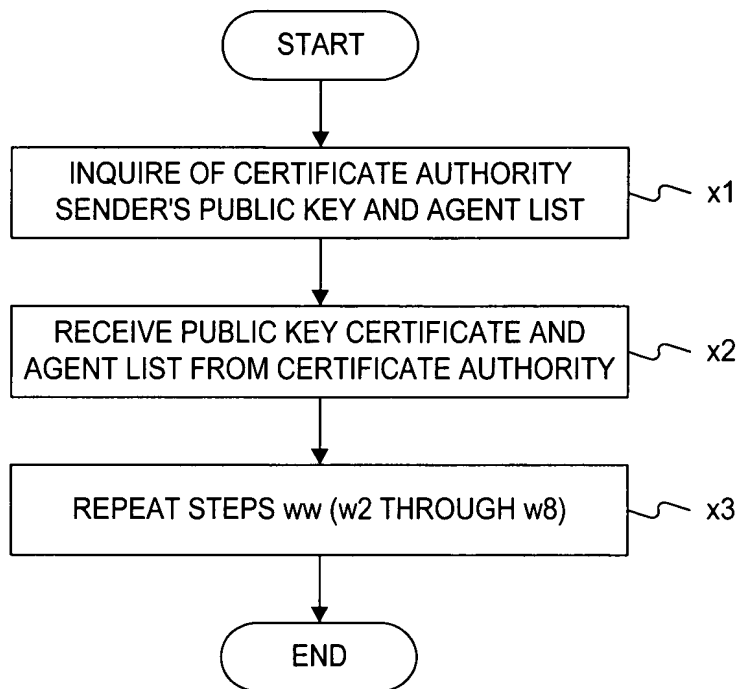


FIG. 12

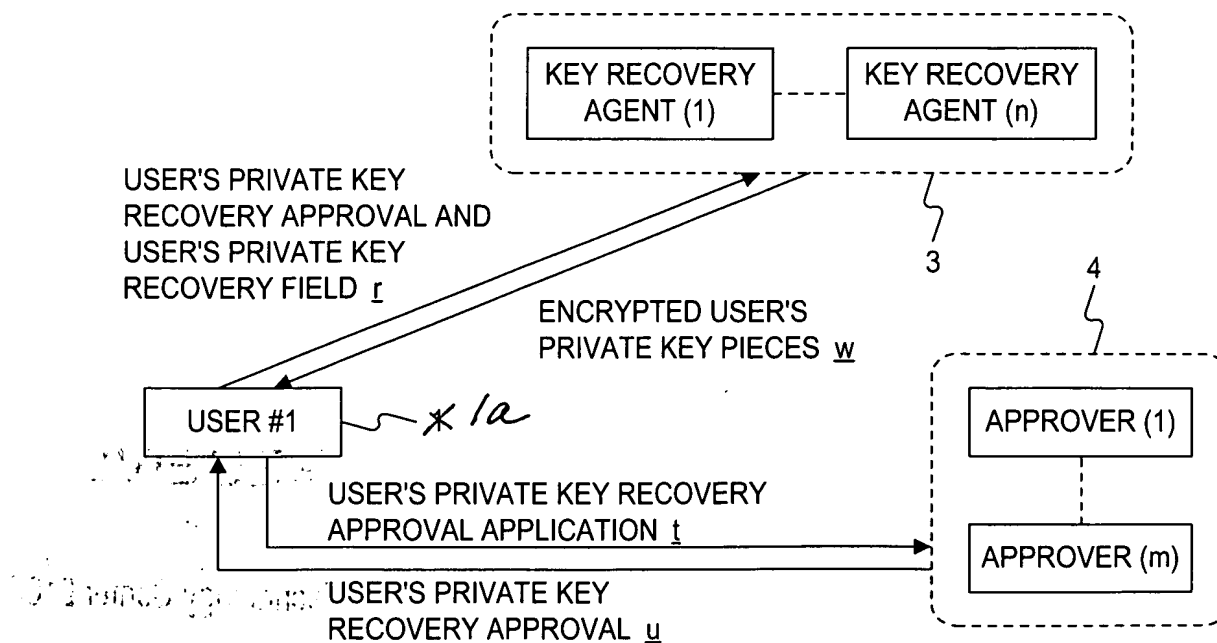


FIG. 13